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Attorneys for Defendant  
MATSON NAVIGATION COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE,

Plaintiff,

vs.

HORIZON LINES, LLC and MATSON  
NAVIGATION COMPANY

Defendants.

Case No. C 04-02255 MMC

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING PRE-TRIAL  
DATES**

For the reasons set forth below, the parties to the above-entitled action stipulate, agree and request the court continue the dates currently set for expert designation, expert discovery and the date to complete private mediation.

Mr. Maxie has not been declared as having reached maximum cure from his alleged injuries, which are the subject of this lawsuit, and is in the process of scheduling additional medical testing. Once the results of the additional tests are finalized, defendants intend to re-schedule an independent medical examination (IME) of Mr. Maxie. Following the IME, the parties will reconvene plaintiff's deposition for the purposes of questioning plaintiff regarding his medical condition and damages. The parties had previously agreed to defer this phase of plaintiff's deposition until his condition was permanent and stationary.

The parties also wish to participate in meaningful settlement discussions. The parties

1 have agreed to a private mediator, Jerry Spolter, and scheduled a mediation for August 28, 2006.  
 2 However, given plaintiff's symptomology, the uncertainty regarding the date by which Mr.  
 3 Maxie will achieve maximum cure, plaintiff's upcoming medical testing, the anticipated IME of  
 4 plaintiff and plaintiff's further deposition, the parties cannot meaningfully participate in  
 5 settlement discussions before the current cut-off dates.

6 The parties intend to reschedule the mediation for a date in October 2006, since it is  
 7 anticipated that the IME and plaintiff's further deposition will be completed by that time.  
 8 Because of the expense involved in mediation and also in the retention and designation of  
 9 experts, the parties seek to continue expert disclosure and expert discovery until after the  
 10 mediation has been conducted.

11 Accordingly, the parties stipulate and respectfully request that the following pretrial dates  
 12 be continued as follows:

13	Expert disclosure & reports	November 1, 2006
14	(Present Date: August 11, 2006)	
15	Expert Discovery cut-off	December 15, 2006
16	(Present date: September 1, 2006)	
17	Private mediation completion	November 1, 2006
18	(Present date: August 1, 2006)	

19 The parties do not seek continuance of any of the other dates set forth on the Third  
 20 Amended Pretrial Preparation Order entered on March 16, 2006.

21 Respectfully Submitted,

22 Dated: July 21, 2006

BANNING MICKLOW & BULL LLP

23 By: S/ EDWARD M. BULL III

Edward M. Bull III  
 Attorneys for Plaintiff  
 DANIEL MAXIE

24 Dated: July 21, 2006

LAW OFFICES OF HARVEY I. WITTENBERG

25 By: S/ HARVEY I. WITTENBERG

Harvey I. Wittenberg  
 Attorneys for Defendant  
 HORIZON LINES, LLC

26 //  
 27 //  
 28 //

1 Dated: July 21, 2006

FLYNN DELICH & WISE

2 By: S/ JAMES B. NEBEL

James B. Nebel

3 Attorneys for Defendant

4 U.S. SHIP MANAGEMENT, INC.

5 Dated: July 21, 2006

GIBSON ROBB & LINDH LLP

6 By: S/ PETER A. LINDH

Peter A. Lindh

7 Attorneys for Defendant

8 MATSON NAVIGATION COMPANY

9  
10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11  
12 DATED: July 24, 2006



UNITED STATES DISTRICT JUDGE

MAXINE M. CHESNEY